

## Article - Real Property

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§12–112.

(a) If land is acquired, in whole or in part, by condemnation or by purchase in lieu of condemnation, any person at whose expense any personal property, dead body, grave marker, or monument must be removed as a reasonably necessary consequence of condemnation, or purchase in lieu of condemnation, is entitled to receive from the condemnor or purchaser a pecuniary allowance for the reasonable costs of removing and placing the item or body in another location within a reasonable distance. In order to receive the pecuniary allowance the person shall submit his claim to the condemnor or purchaser within six months after the removal of the personal property, dead body, grave marker, or monument with respect to which he claims pecuniary allowance. The allowance does not include any compensation for loss of profit, goodwill, or for the acquisition of another location.

(b) If personal property is removed from leased premises from which the reversioner could have required its removal on the termination of the lease, the allowance provided for in this section shall be diminished by one fifth for each year by which five years exceeds the number of full years remaining in the term at the time when the premises were acquired. Any option to renew or extend the lease shall be treated as having been exercised, and the term shall be deemed to include the renewal term or extension. The adjustment provided by this subsection may not be used to reduce the allowance provided for in this section below.

(c) If personal property is removed, the allowance provided for in this section may not exceed its fair market value. Nothing in this subsection requires a condemnor to obtain an expert or detailed appraisal of any personal property before allowing or paying moving costs.

(d) If any personal property, dead body, grave marker, or monument is removed to another location at an unreasonable distance, the allowance provided for in this section is not totally defeated, but no compensation is due for the additional costs resulting from the unreasonable distance of the new location.

(e) No person is entitled to any allowance for the costs of removal and relocation of personal property unless the personal property has been used by him at its original location and is to be used by him at its new location.

(f) The amount of the allowance for the costs of removal and relocation shall be as the condemnor or purchaser and the person entitled agree. If they are unable to agree, the amount shall be determined, on petition of either party filed after

removal and relocation have been effected, by the court in which the condemnation proceedings were filed. If no condemnation proceeding has been filed, a law court of the county where any part of the premises is located shall determine the amount, not to exceed the actual moving costs.

(g) No petition may be filed under this section except by the condemnor or purchaser, unless the person entitled to the removal allowance gives written notice to the condemnor or purchaser at least ten days prior to the date of removal, stating the date of intended removal, the identification of the items to be removed, and the place to which they are to be relocated. In addition, he shall give the condemnor or purchaser, on request, a reasonable opportunity to inspect any personal property, grave marker, monument, or burial site that may be involved.

(h) Every petition shall be filed within one year after the removal of the personal property, dead body, grave marker, or monument with respect to which it claims pecuniary allowance.

(i) Nothing in this section may be construed to place a limit on the amount of compensation that a condemnor may allow for moving costs in cases where, under applicable federal law or rule or regulation, compensation may be paid wholly or partly out of federal funds or will be reimbursed wholly or partly to the condemnor out of federal funds.

(j) Notwithstanding any provision of this section, in Baltimore City, where federal laws and rules and regulations authorize benefits for any displacee from public improvement projects wholly or partially funded by federal funds, a condemnor may do any act necessary to comply with the terms, conditions, and provisions of federal law and rule and regulation in order to obtain the full benefit under them for any condemnor and displacee from the projects in Baltimore City. This subsection applies to existing acts of Congress authorizing benefits for or to displacees from public improvement projects receiving federal funds, subsequent acts of Congress of like character, and any existing or subsequently adopted rules and regulations issued in connection with them.

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